

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

In re:) Chapter 11
)
EASTERN LIVESTOCK CO., LLC,) Case No. 10-93904-BHL-11
)
Debtor.)

**TRUSTEE'S OBJECTION TO CLAIM 212 FILED BY T.R. SMITH LIVESTOCK
AND NOTICE OF RESPONSE DEADLINE**

James A. Knauer, the chapter 11 trustee appointed in this case ("Trustee"), pursuant to Rule 3007 of the Federal Rules of Bankruptcy Procedure ("Bankruptcy Rules"), hereby objects (this "Objection") to claim 212 (the "Claim")¹ filed by T.R. Smith Livestock ("Smith"). The Trustee requests that the Court enter an order reclassifying and reducing the Claim to a general unsecured claim in the amount of \$9,611.15. In support of this Objection, the Trustee respectfully states:

Jurisdiction

1. This Court has jurisdiction over this Objection under 28 U.S.C. § 1334. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2)(B). Venue of this proceeding and this Objection is properly in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory bases for the relief requested herein are 11 U.S.C. §§ 502, 506 and 507 and Rules 3001 and 3007 of the Bankruptcy Rules.

Background

3. On December 6, 2010 (the "Petition Date"), an involuntary chapter 11

¹ All references herein to the claim number are to the number assigned to the Claim by BMC (see paragraph 5 below) and not to the number, if any, assigned to the Claim by the Court's online claims register. For further explanation, see paragraph 5 below.

bankruptcy petition was filed to commence a chapter 11 case (the "Chapter 11 Case") against Eastern Livestock Co., LLC ("Debtor") in the United States Bankruptcy Court for the Southern District of Indiana, New Albany Division (the "Court").

4. On December 27, 2010, the Court entered an order approving the appointment of the Trustee and on December 28, 2010, entered an order for relief.

5. On March 17, 2011, the Court entered an order approving The BMC Group, Inc. ("BMC") as the Trustee's claims and noticing agent in the Chapter 11 Case. Pursuant to that order, BMC was authorized and directed to, among other things, maintain the official claims register ("Claims Register") for all filed proofs of claim in the Chapter 11 Case. A copy of that Claims Register and all filed proofs of claim in the Chapter 11 Case can be viewed at <http://www.bmcgroup.com/restructuring/Claims.aspx?ClientID=271>.

Request for Relief

6. By this Objection, the Trustee seeks entry of an order reclassifying and reducing the Claim to a general unsecured claim in the amount of \$9,611.15.

7. The Claim asserts that the total amount of the Claim is \$9,611.15. However, the Claim asserts a priority claim in the amount of \$9,611.15 under 11 U.S.C. § 507 (a)(1)(A) or (B) and a general unsecured claim in the amount of \$10,000.00. The Claim does not provide any supporting documentation. Further, the Claim does not provide any basis for priority treatment as a domestic support obligation, and the Trustee does not believe that the Claim is entitled to priority status. The Trustee also does not believe that there is any basis for allowing the Claim in an amount in excess of \$9,611.15.

8. The Trustee objects to the Claim and requests that the Claim be reclassified and reduced to a general unsecured claim in the amount of \$9,611.15.

Notice of Response Deadline

9. If Smith wishes to contest the relief requested in this Objection, Smith must file a response with the Court within thirty (30) days of the service of this Objection ("Response Deadline"). Responses must be filed with the Clerk of the United States Bankruptcy Court, Southern District of Indiana, New Albany Division, 110 U.S. Courthouse, 121 West Spring Street, New Albany, IN 47150 no later than 4:30 p.m. EDT on the Response Deadline and served on Trustee's Counsel, Faegre Baker Daniels LLP, 300 N. Meridian Street, Suite 2700, Indianapolis, IN 46204 (Attn: Dustin DeNeal). **IF NO RESPONSE IS FILED BY THE RESPONSE DEADLINE THE COURT MAY SUSTAIN THE OBJECTION TO THE CLAIM WITHOUT FURTHER NOTICE OR HEARING.**

WHEREFORE, the Trustee respectfully requests that the Court enter an Order reclassifying and reducing the Claim to a general unsecured claim in the amount of \$9,611.15 and granting the Trustee all other just and appropriate relief.

Respectfully submitted,

FAEGRE BAKER DANIELS LLP

By: /s/ Dustin R. DeNeal

Counsel for James A. Knauer, Chapter 11 Trustee

Terry E. Hall (#22041-49)
Kevin M. Toner (#11343-49)
Dustin R. DeNeal (#27535-49)
Kayla D. Britton (#29177-06)
300 N. Meridian Street, Suite 2700
Indianapolis, IN 46204-1782
Telephone: (317) 237-0300
Facsimile: (317) 237-1000
terry.hall@faegrebd.com
kevin.toner@faegrebd.com
dustin.deneal@faegrebd.com
kayla.britton@faegrebd.com

Wendy W. Ponader (#14633-49)
 600 East 96th Street, Suite 600
 Indianapolis, IN 46240
 Telephone: (317) 569-9600
 Facsimile: (317) 569-4800
 wendy.ponader@faegrebd.com

CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2013, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to the following parties through the Court's Electronic Case Filing System. Parties may access this filing through the Court's system.

David L. Abt
 davidabt@mwt.net

C. R. Bowles, Jr
 cbowles@bgdlegal.com

John Hunt Lovell
 john@lovell-law.net

Mark A. Robinson
 mrobinson@vhlaw.com

Jeffrey R. Erler
 jeffe@bellnunnally.com

Edward M King
 tking@fbtlaw.com

Randall D. LaTour
 rdlatour@vorys.com

John R. Carr, III
 jrciii@acs-law.com

Bret S. Clement
 bclement@acs-law.com

Daniel J. Donnellon
 ddonnellon@ficlaw.com

Stephen A. Weigand
 sweigand@ficlaw.com

John Frederick Massouh
 john.massouh@sprouselaw.com

John W. Ames
 james@bgdlegal.com

Robert Hughes Foree
 robertforee@bellsouth.net

Kim Martin Lewis
 kim.lewis@dinslaw.com

Jeremy S Rogers
 Jeremy.Rogers@dinslaw.com

Ivana B. Shallcross
 ishallcross@bgdlegal.com

Deborah Caruso
 dcaruso@daleeke.com

Meredith R. Thomas
 mthomas@daleeke.com

William Robert Meyer, II
 rmeyer@stites.com

Allen Morris
 amorris@stites.com

Charles R. Wharton
 Charles.R.Wharton@usdoj.gov

James Bryan Johnston
 bjtxas59@hotmail.com

James T. Young
 james@rubin-levin.net

David L. LeBas
 dlebas@namanhowell.com

Judy Hamilton Morse
 judy.morse@crowedunlevy.com

John M. Thompson
 john.thompson@crowedunlevy.com

Jessica E. Yates
 jyates@swlaw.com

John Huffaker
 john.huffaker@sprouselaw.com

Matthew J. Ochs
 kim.maynes@moyewhite.com

Laura Day Delcotto
 ldelcotto@dlgfir.com

Kelly Greene McConnell
 lisahughes@givenspursley.com

T. Kent Barber
 kbarber@dlgfir.com

Ross A. Plourde
 ross.plourde@mcafeetaft.com

Walter Scott Newbern
 wsnewbern@msn.com

Kirk Crutcher
 kcrutcher@mcs-law.com

Todd J. Johnston
 tjohnston@mcjllp.com

Timothy T. Pridmore
 tpridmore@mcjllp.com

Theodore A Konstantinopoulos
 ndohbky@jbandr.com

Karen L. Lobring
 lobring@msn.com

Sandra D. Freeburger
 sfreeburger@dsf-atty.com

Lisa Koch Bryant
 courtmail@fbhlaw.net

Elliott D. Levin
 edl@rubin-levin.net

John M. Rogers
 johnr@rubin-levin.net

John David Hoover
 jdhoover@hooverhull.com

Sean T. White
 swhite@hooverhull.com

Jay P. Kennedy
 jpk@kgirlaw.com

John R. Burns
 john.burns@faegrebd.com

Michael W. McClain
mike@kentuckytrial.com

James Edwin McGhee
mcghee@derbycitylaw.com

Jerald I. Ancel
jancel@taftlaw.com

David Alan Domina
dad@dominalaw.com

Jill Zengler Julian
Jill.Julian@usdoj.gov

Michael Wayne Oyler
moyler@rwsvlaw.com

James E. Rossow
jim@rubin-levin.net

Steven A. Brehm
sbrehm@bgdlegal.com

James M. Carr
james.carr@faegrebd.com

Shawna M. Eikenberry
shawna.eikenberry@faegrebd.com

James A. Knauer
jak@kgrlaw.com

Christie A. Moore
cm@gdm.com

Peter M. Gannott
pgannott@gannottlaw.com

Joseph H. Rogers
jrogers@millerdollarhide.com

Andrew D. Stosberg
astosberg@lloydmc.com

Christopher M. Trapp
ctrapp@rubin-levin.net

Jennifer Watt
jwatt@kgrlaw.com

William K. Flynn
wkflynn@strausstroy.com,

Michael Benton Willey
michael.willey@ag.tn.gov

William E Smith
wsmith@k-glaw.com

Thomas C Scherer
tscherer@bgdlegal.com

Jeffrey J. Graham
jgraham@taftlaw.com

Kent A Britt
kabritt@vorys.com

Jeffrey L Hunter
jeff.hunter@usdoj.gov

Jason W. Cottrell
jwc@stuartlaw.com

James B. Lind
jblind@vorys.com

Anthony G. Raluy
traluy@fbhlaw.net

Jack S. Dawson
jdawson@millerdollarhide.com

Terry E. Hall
terry.hall@faegrebd.com

Erick P. Knoblock
eknoblock@daleeke.com

Shiv Ghuman O'Neill
shiv.oneill@faegrebd.com

Eric C. Redman
ksmith@redmanludwig.com

James E. Smith
jsmith@smithakins.com

Kevin M. Toner
kevin.toner@faegrebd.com

Eric W. Richardson
ewrichardson@vorys.com

Joe Lee Brown
Joe.Brown@Hardincounty.biz

Thomas P. Glass
tpglass@strausstroy.com

Kayla D. Britton
kayla.britton@faegrebd.com

David A. Laird
david.laird@moyewhite.com

Trevor L. Earl
tearl@rwsvlaw.com

Joshua N. Stine
kabritt@vorys.com

Amelia Martin Adams
aadams@dlgfir.com

Robert A. Bell
rabell@vorys.com

Melissa S. Giberson
msgiberson@vorys.com

U.S. Trustee
ustpreion10.in.ecf@usdoj.gov

Dustin R. DeNeal
dustin.deneal@faegrebd.com

Jay Jaffe
jay.jaffe@faegrebd.com

Harmony A. Mappes
harmony.mappes@faegrebd.com

Wendy W. Ponader
wendy.ponader@faegrebd.com

Joe T. Roberts
jratty@windstream.net

Robert K. Stanley
robert.stanley@faegrebd.com

Andrea L. Wasson
andrea@wassonthornhill.com

Joshua Elliott Clubb
joshclubb@gmail.com

Ben T. Caughey
ben.caughey@icemiller.com

Stephen E. Schilling
seschilling@strausstroy.com

I further certify that on March 11, 2013, a copy of the foregoing pleading was mailed by first-class U.S. Mail, postage prepaid and properly addressed, to the following:

T.R. Smith Livestock
921 West Choctaw Street
Lindsay, OK 73052-5019

/s/ Dustin R. DeNeal